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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,312	02/17/2004	Claire Elizabeth Bamber		9732
7590	01/26/2006		EXAMINER	
Jeffrey V. Bamber 7567 Pinehurst Drive Cincinnati, OH 45244			JACKSON, BLANE J	
			ART UNIT	PAPER NUMBER
			2685	
			DATE MAILED: 01/26/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/780,312	BAMBER ET AL.	
	Examiner	Art Unit	
	Blane J. Jackson	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 May 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 19 May 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Saksa (US 5,659,611).

As to claims 1-4, Saksa teaches a personal communication system comprising:

A wrist unit for wearing on a user's wrist (figure 1, radiotelephone wrist instrument (10), column 2, lines 30-43),

A microphone that is located on a portion of the user's hand (figure 1, microphone (28) releasably mounted to the tips of respective fingers of the user's hand, shown attached to the user's pinkie finger, column 2, lines 44-57),

An ear piece that is located on another portion of the user's hand (figure 1, speaker (22) releasably mounted to the tips of respective fingers of the user's hand, shown attached to the user's thumb, column 2, lines 44-57),

wherein the wrist unit, microphone and earpiece are in a relationship where there is communication with at least one of the other components of the system during use of the system (microphone and speaker wired to the transceiver, column 2, lines 44-65).

As to claim 5, Saksa teaches at least some of the components are in communication via wires (microphone and speaker wired to the transceiver, column 2, lines 44-65).

As to claim 7 with respect to claim 5, Saksa teaches at least some of the wires are retractable (radiotelephone housing uses a retraction mechanism for the wired microphone and speaker, column 3, lines 11-20).

As to claim 8, Saksa teaches the wrist unit comprises a holder for at least one of the microphone and ear piece (microphone and speaker caps may be secured to either the case or the strap in any desirable manner, column 3, lines 11-20).

As to claim 9 with respect to claim 8, Saksa teaches the holder is selected from the group consisting of a recess or a clip (microphone and speaker caps may be secured to either the case or the strap in any desirable manner, such as by a hook and loop fastener or a clip, column 3, lines 11-20).

2. Claims 10-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Phillipps (US 6,337,914).

As to claim 10, Phillipps teaches a personal communication system (a PDA that can be used as a cellular telephone, column 2, lines 44-60, comprising:

A body portion and at least one of the following components:

Note: The preceding claim language reads on a body portion comprising the microphone or a receiver (ear piece), not necessarily both where it is believed the applicant intended both, consequently both are addressed herein.

A microphone that is located on or within a first structure wherein at least a portion of the first structure at least partially resides inside the body of the personal communication system when the first structure is not deployed (figure 2, microphone (8) mounted to a telescopic mount (4) folded away in recess (9) in the body (2) of the PDA, column 2, line 61 to column 3, line 5),

A receiver that is located on or within a second structure wherein at least a portion of the second structure at least partially resides inside the body of the personal communication system when the second structure is not deployed (figure 9 depicts an embodiment where the microphone (6) and speaker (70 are arranged on the end of two separate telescopic mounts, column 4, lines 4-9),

Wherein the body portion, microphone, and receiver are in a relationship where there is communication with at least one of the other components of the system during use of the system (figures 1-9, the audio I/O of cellular communications).

As to claim 11 with respect to claim 10, Phillipps teaches the microphone is located on or within a structure wherein at least a portion of the structure at least partially resides inside the body of the personal communication system when the personal communication system is not in use and the receiver comprises an earbud

(speaker and retracted mount is stored in recess (9) in the body (2) of the PDA, column 3, lines 3-5).

As to claim 12 with respect to claim 10, Phillipps teaches at least a portion of at least one of the structures fits into a recess in the body of the communication system (stored in recess (9) in the body (2) of the PDA, column 3, lines 3-5).

As to claim 13 with respect to claim 10, Phillipps teaches at least one of the structures is a telescoping member (figures 4 and 9, column 2, line 61 to column 3, line 2).

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saksa (US 5,659611) with a view to Ohki et al. (US 2001/0011025).

As to claim 6, Saksa teaches where the components are in wired communication (figure 1) but does not teach at least some of the components are in wireless communication.

Ohki teaches an apparatus comprising a radiotelephone (100) for wireless connection to all associated data devices via a cellular network that is wearable on the user's wrist, a microphone and a speaker housed in a finger-wearable device (200) in communication with the radiotelephone using RF wireless or infrared rays, figures 1-11, paragraphs 0042-0049 and 0106.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the wired connection means of Saksa with the wireless design of Ohki to relieve the user of a cumbersome speaker wire while using the wrist mounted telephone.

4. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillipps (US 5,337,914) with a view to Wicks et al. (US 5,999,822).

As to claim 14, Phillipps teaches a spring to automatically retract the signal leads inside the telescopic mount as it is retracted, column 4, lines 13-27, but does not teach one of the first and second structures is spring loaded.

Wicks teaches a cellular telephone with a microphone in the distal end of a telescopic spring loaded arm, figure 5, column 3, lines 34-53).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the spring and telescopic member of Phillipps to additionally spring load the structure or telescopic microphone mount of Wicks for automatic extension at the convenience of the user.

As to claim 15 with respect to claim 14, Phillipps teaches the spring loaded structure is configured so that it is deployed when another function of the communication device is activated (microphone is extended for voice input such as dictation to the PDA, column 3, lines 14-21).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Gray (US 5,987,310), Barnard (SU 6,859,657), Hashimoto et al. (US 2001/0043711), Hansen et al. (US 6,370,362), Shin (US 6,973,186) and Fukumoto et al. (US 6,912,287).
  
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ



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